

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 1113 be amended to read as follows:

1 Page 1, after the enacting clause and before line 1, insert the following:

2 SECTION 1. IC 31-14-12-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A court ~~may~~,
4 **shall**, upon application by a person or an agency entitled to receive
5 child support payments ordered by the court, order interest charges
6 ~~equal to one and one-half percent (1.5%) per month that are at least~~
7 **three percent (3%) above the interest rate for a final judgment (as**
8 **defined in IC 34-54-8-5) on the date a child support order is issued**
9 to be paid on any delinquent child support payment that occurs.

10 **(b) The person or agency may apply for interest under this**
11 **section:**

12 (1) at the time the support order is issued or modified; ~~or~~
13 (2) whenever support payments are not made in accordance with
14 the support order; **or**

15 **(3) at any time for a child support order that has been issued.**

16 ~~(b) (c)~~ **(c)** Interest charges may be collected in the same manner as
17 support payments.

18 SECTION 2. IC 31-16-12-2 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a)** The court ~~may~~,
20 **shall**, upon a request by the person or agency entitled to receive child
21 support payments, order interest charges ~~of not more than one and~~
22 ~~one-half percent (1 1/2%) per month that are at least three percent~~
23 **(3%) above the interest rate for a final judgment (as defined in**
24 **IC 34-54-8-5) on the date a child support order is issued to be paid**
25 on any delinquent child support payment **that occurs.**

26 **(b)** The person or agency may apply for interest if support
27 payments are not made in accordance with the support order. Accrued
28 interest charges may be collected in the same manner as support
29 payments under IC 31-16-9.

30 Page 17, after line 17, insert the following:

1 SECTION 19. [EFFECTIVE JULY 1, 2005] **(a) Interest charges**
2 **under IC 31-14-12-1 and IC 31-16-12-2, both as amended by this**
3 **act, begin accruing on all delinquent child support on July 1, 2005.**
4 **(b) This SECTION expires July 1, 2009.**

5 Renumber all SECTIONS consecutively.

6 (Reference is made to EHB 1113 printed April 1, 2005.)

Senator HUME